

PROPOSED REVISIONS TO THE DRAFT RENEWABLE ENERGY STREAMLINING PROGRAM DATED NOVEMBER 17, 2014

All page numbers are references to page numbers in Draft Renewable Energy Streamlining Program dated November 17, 2014. Changes to the November 17 text are highlighted, shown in legislative format and preceded by the reasons for the changes. These changes are included in Attachments 3 and 4 as highlighted text.

Page 11: correction to reference of the Land Use and Circulation Elements:

County of San Luis Obispo General Plan, Land Use and Circulation Elements, The **Area Plans Official Maps** (Inland, Part IV~~I~~). The following maps of the Renewable Energy Combining Designation will be added to the Element.

Page 29, Subsection 22.06.030.C, Table 2-2: minor formatting revisions to a superscripted footnote:

Energy-generating facilities ⁽⁹⁾ Electricity generation - Except WEGF	<u>A2</u>	<u>A2</u>	A2	A2	A2	<u>A2</u>	A2	22.32
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Page 30, Section 22.08.030, Table 2-3: minor formatting edit (underlining added) to show proposed addition:

Impervious Surface	Area per site of site coverage by paving and structures ⁽⁶⁾	Less than 1 acre ^(6Z)	N.A. ^(6Z)	1 to 3 acres	More than 3 acres
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Page 32, Subsection 22.14.100.B.1: clarification of calculation of SEF area:

1. The permit requirements of this Section shall apply only to proposed SEFs meeting the site criteria of this Section, inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use. The size of ground-mounted SEF shall be measured as directed by Section 22.32.030.A. Where other accessory or primary uses are proposed that indirectly support

proposed SEFs, the applicable permit requirements for the additional use(s) shall be determined as described in Chapter 22.06 (Allowable Land Uses and Permit Requirements by Land Use Category). For purposes of determining permit requirements and standards as established by this Section, the size of the SEF shall be measured as the total area of the facility inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use, unless otherwise noted.

Page 32, Subsection 22.14.100.B.2: minor edits for 1) consistent references to the Land Conservation Act, and 2) clarification of applicable SEF permit requirements for SEFs on land under Land Conservation Act contract:

2. Land Conservation Act. Permit requirements of this Section (22.14.100) shall apply to proposed SEFs on land subject to a Land Conservation Act contract within an RE Combining Designation as follows.
 - a. If a proposed SEF is greater than 20 acres in total area within an RE Combining Designation and is subject to a Land Conservation Act Contract:
 - (1) The project shall be ineligible for the permit requirements established by this Section (22.14.100) but may elect to comply with standards of this section to streamline other aspects of project review.
 - (2) The project shall require a Minor Use Permit (or Conditional Use Permit if otherwise required by Chapter 22.32 or the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2)).
 - (3) The project shall comply with the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Williamson Act itself and any changes that may be made to it.
 - b. If a proposed SEF is 20 acres or less in total area and subject to a Land Conservation Act contract Contract within an RE Combining Designation, the project is allowable in all land use categories if the proposed SEF meets the site eligibility criteria for Tier 1 SEFs in Chapter 22.32 (Energy-Generating Facilities).
 - c. If a proposed SEF is 20 acres or less in total area and subject to a Land Conservation Act contract within an RE Combining Designation, when inconsistent with the site eligibility criteria for Tier 1 SEFs, the project may qualify as Tier 2 or Tier 3 SEF if the proposed SEF meets the site eligibility criteria established in this Section (22.14.100).

Page 33, Subsection 22.14.100.B.3: clarification for applicability of Airport Review Combining Designation:

3. The standards of this Section shall not apply to proposed SEFs that meet the following criteria. When a proposed SEF meets any of the following criteria, the project shall be subject to permit requirements of Chapter 22.32 (Energy-Generating Facilities) or other applicable sections of this Title:
 - a. Include energy transmission or distribution facilities within an RE Combining Designation and involve easements over parcels outside of an RE Combining Designation.
 - b. Require new transmission lines to tie in to the electric grid.
 - c. Are considered accessory energy-generating facilities or Tier 1 solar electric facilities, which are allowable uses as regulated by Chapter 22.32 (Energy-Generating Facilities).
 - d. Sited on Class I or Class II soils, consistent with the areas included in the RE Combining Designation map established by Part III of the Inland Framework for Planning – Land Use Element.
 - e. Located within visual Sensitive Resource Areas.
 - f. Parcels subject to conservation easements that prohibit energy-generating facilities.
 - g. Parcels in the Recreation (REC) ~~and~~ Open Space (OS), Residential Single Family (RSF), Residential Multi Family (RMF) or Residential Suburban (RS) land use designations.
 - h. Parcels in the Airport Review (AR) Area.

Page 34, Subsection 22.14.100.E: minor revisions for clarity of permit requirements, with subsequent revisions to numbering in Subsections 22.14.100.E.2-5:

- E. Permit requirements. ~~A proposed roof- or structure-mounted SEF within the RE Combining Designation may be eligible for Zoning Clearance as described in Subsection 1.~~ If a ground-mounted SEF is proposed within the RE Combining Designation and meets the criteria of this Section, the project may be eligible for Site Plan Review as described in Subsections ~~1 – 3, 2-4~~. If an SEF is proposed within the RE Combining Designation but does not meet the criteria of this Section, the project is subject to the permit requirements and standards of Chapter 22.32 (Energy-Generating Facilities).
 1. Tier 1 SEF. A proposed SEF that is no more than 20 acres, or that is roof- or structure-mounted, is allowable within and outside the RE Combining Designation subject to Zoning Clearance or Site Plan Review, as established in Tier 1 SEF, Roof- or Structure-

~~Mounted. A proposed SEF that is located on the roof or structure of a use that is conforming per Chapter 22.72 of this Title is allowable with Zoning Clearance in accordance with Chapter 22.32 (Energy-Generating Facilities). No additional streamlining or standards for Tier 1 SEFs are provided in this Section (22.14.100).~~

~~2. Tier 1 SEF, Ground Mounted. A proposed SEF that is ground mounted, no more than 20 acres in total area within the RE Combining Designation, and complies with all development standards of Subsection F of this Section is allowable with Site Plan Review. The proposed SEF shall also meet one of the following criteria:~~

~~a. Is proposed on land that is graded, disturbed, or altered; consistent with definitions for “Development,” “Grading,” or “Site Disturbance” in this Title, or~~

~~b. Is located on land that was previously developed for industrial or commercial purposes and degraded or contaminated and then abandoned or underused.~~

~~If a proposed project is ground-mounted and 20 acres or less in size but does not meet the criteria for a Tier 1 SEF in Chapter 22.32 Subsection 2, the project may be eligible for Site Plan Review as a Tier 2 or Tier 3 SEF within the RE Combining Designation, as described below in Subsections 2-3-4. If a project is proposed within the RE Combining Designation but does not meet the criteria for Tier 2 or Tier 3 SEFs as outlined in this Section (22.14.100), the permit requirements and standards of Chapter 22.32 (Energy-Generating Facilities) apply.~~

~~2. 3. Tier 2 SEF. If a proposed SEF meets the following criteria and is 40 acres or less in total area of the facility within the RE Combining Designation, the project may be considered a Tier 2 SEF eligible for Site Plan Review. Proposed SEFs that are 40 acres or less in size that do not meet the criteria for a Tier 2 SEF described in Subsections a-c e may be determined to be a Tier 3 SEF based on the criteria of Subsection 3 4 below. To be eligible for Site Plan Review within the RE Combining Designation as a Tier 2 SEF, a proposed project must be consistent with the following criteria:~~

~~a. Total area of the proposed SEF is no more than 40 acres in area, measured as the total area of the facility inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use.~~

~~a. b. Is proposed on a parcel included in any land use category (vacant or not), except for Open Space (OS), or Recreation (REC), Residential Single Family (RSF), Residential Multi Family (RMF) or Residential Suburban (RS).~~

~~b. c. In the Agriculture (AG) land use category, is not sited on any type of Important Agricultural Soils as defined in the Conservation and Open Space Element, unless sited on Important Agricultural Soils that are designated as solely Highly Productive Rangeland Soils by the Conservation and Open Space Element. The proposed~~

ATTACHMENT 7 – Proposed Revisions to Draft RESP

project may be located on solely Highly Productive Rangeland Soils or sited on other areas of the parcel without any Important Agricultural Soils.

~~c. -d.~~ Complies with all development standards of Subsection F of this Section.

If a proposed project is 40 acres or less in size within the RE Combining Designation but does not meet the criteria in Subsection 2, the project may be eligible for Site Plan Review as a Tier 3 SEF within the RE Combining Designation, as described below in Subsection 3. If a project is proposed within the RE Combining Designation but does not meet the criteria for Tier 2 or Tier 3 SEFs as outlined in this Section (22.14.100), the permit requirements and standards of Chapter 22.32 apply and no alternative requirements are available within the RE Combining Designation.

~~3. 4.~~ Tier 3 SEF. If a proposed SEF meets the following criteria and is 160 acres or less within the RE Combining Designation, the project may be considered a Tier 3 SEF eligible for Site Plan Review. To be eligible for Site Plan Review within the RE Combining Designation, a proposed project must be consistent with the following criteria:

~~a.~~ Total area of the proposed SEF is no more than 160 acres in area, measured as the total area of the facility inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use.

~~a. b.~~ Is proposed on a parcel included in the Commercial Service (CS), Industrial (IND), or Agriculture (AG) land use categories (vacant or non-vacant).

~~b. -e.~~ In the Agriculture land use category, is not sited on any type of Important Agricultural Soils as defined in the Conservation and Open Space Element, unless sited on Important Agricultural Soils that are designated as solely Highly Productive Rangeland Soils by the Conservation and Open Space Element. The proposed project may be located on solely Highly Productive Rangeland Soils or sited on other areas of the parcel without any Important Agricultural Soils.

~~c. -d.~~ Complies with all development standards of Subsection F of this Section.

If a proposed project is 160 acres or less in size within the RE Combining Designation but does not meet the criteria in Subsection 3.4 of this Section, the permit requirements and standards of Chapter 22.32 apply and no alternative requirements are available within the RE Combining Designation.

~~4. 5.~~ Tier 4 SEF. A solar electric facility that is greater than 160 acres is considered a Tier 4 SEF and shall require a Conditional Use Permit, as identified by Chapter 22.32 (Energy-Generating Facilities). No alternative requirements or streamlining for Tier 4 SEFs apply within the RE Combining Designation.

Page 36, Subsection 22.14.100.F: clarifications to applicability of RE Combining Designation standards for Tier 2 and 3 SEFs:

- F. Development standards. In addition to applicable site criteria in Subsections E(2) – E(4), proposed ground-mounted SEFs within the RE Combining Designation **eligible for Site Plan Review** shall comply with all standards in Section 22.32.040.A, 22.32.040.C, 22.32.040.D, and 22.32.050.B-D of this Title, in addition to **and** the following, as applicable:

Page 36, Subsection 22.14.100.F.2: revisions for 1) clarity, and 2) refinements to Tier 2 – Tier 3 applicability:

2. If Botanical Reports or Biological Reports prepared as part of the proposed SEF permit application indicate the presence or potential presence of state or federally listed wildlife or plant species or designated critical habitat, the permit requirements and standards of Chapter 22.32 (Energy-Generating Facilities) apply and no alternative requirements are available within the RE Combining Designation. Exceptions to this requirement may apply to ground-mounted **Tier 1 and Tier 2** SEFs **less than 40 acres in total project area** if the proposed project is located **on parcels** in the San Joaquin Kit Fox Habitat Area and **meets the following criteria:**
 - a. Botanical Reports or Biological Reports do not indicate the presence of additional state or federally listed wildlife or plant species or designated critical habitat on or adjacent to the project site. **as follows:**
 - b. The project site of the proposed SEF is less than 40 acres in area, measured as total project site inclusive of total site disturbance. For all other purposes of determining consistency with standards of this Section (22.14.100), the area of the SEF shall be calculated as otherwise directed by Subsection 22.14.100.B1.
 - a. ~~Tier 1 SEFs, ground-mounted, less than 20 acres located in the San Joaquin Kit Fox Habitat Area that comply with the standard mitigation ratio and all applicable kit fox conditions for grading and building plans set forth by the Director.~~
 - c. ~~b. Tier 2 SEFs, less than 40 acres. The project is acres, located in the San Joaquin Kit Fox Habitat Area that comply~~ **complies** with the standard mitigation ratio and all applicable kit fox conditions for grading and building plans set forth by the Director.

Page 37, Section 22.14.100.F.4-5: minor revisions for clarity and to remove redundancy:

4. Ground-mounted SEFs proposed on remediated brownfield sites (areas that have been developed for industrial or commercial purposes, polluted, and then abandoned or underused before remediation); or **SEFs proposed on** disturbed areas with site disturbance such as grading, paving, development, or other improvements; shall meet the following:

ATTACHMENT 7 – Proposed Revisions to Draft RESP

- a. The Site Plan Review application shall include a Habitat Assessment prepared by a qualified biologist.
 - b. Provide setbacks from any special-status plant species and habitat that could support special-status plant or wildlife species as specified in the Habitat Assessment for the proposed project, including federally and state-listed Threatened and Endangered, Candidate, and Rare Species; California Species of Special Concern; California Fully Protected Species; and California Rare Plant Rank 1B and 2 plants.
5. Ground-mounted SEFs shall be set back a minimum of 500 feet from any of the following on the site **if identified** in the Biological Report, required by Section 22.60.040 of this Title:
- a. Sensitive vegetation and habitat that could support special-status species.
 - b. Special-status species that could occur on the site or adjacent properties.

Page 38, Section 22.14.100.F.8-9 minor revisions for clarity:

8. Ground-mounted SEFs proposed on undisturbed areas with no development or site improvements shall provide revegetation for any vegetation to be removed, as follows:
- a. Provide a minimum 3:1 offset ratio for vegetation to be removed and that is identified as sensitive by the California Department of Fish and Wildlife, including but not limited to riparian vegetation.
 - b. Provide a minimum 1:1 offset ratio for any other vegetation to be removed that is identified **by the Biological Report required in Section 22.60.040 as** ~~sensitive~~ **and habitat** that could support special-status species on the site or adjacent properties.
 - c. When landscaping is required, it shall include drought-tolerant, non-invasive species to avoid or minimize watering requirements, be compatible with the surrounding native vegetation, and include at least 80 percent native species.
9. In the Agriculture (AG) land use category, SEFs proposed on active agricultural uses or SEFs proposed on Highly Productive Rangeland, as defined in the Conservation and Open Space Element, shall meet the following.:
- a. For projects proposed on land in an active agricultural use, the project shall provide a conservation easement as follows **in consultation with the Agriculture Department**, which shall be on land that supports grazing or uses similar to those within the project site that would be lost due to the proposed project:

ATTACHMENT 7 – Proposed Revisions to Draft RESP

- (1) A conservation easement located within San Luis Obispo County at a 1:1 ratio on land that can support agricultural uses at the same intensity as the affected agricultural uses at the proposed project site, or
 - (2) A conservation easement located within San Luis Obispo County at a 3:1 ratio on land that can support agricultural uses at **a lower the same** intensity **than as** the affected agricultural uses **on a parcel other than at** the proposed project site.
- b. SEFs proposed on Highly Productive Rangeland should be sited to minimize impacts to Important Agricultural Soils to the maximum extent feasible, **in consultation with the Agriculture Department**. Where that is not feasible, SEFs proposed on Highly Productive Rangeland Soils shall provide the following:
 - (1) A conservation easement located within San Luis Obispo County at a 1:1 ratio on Highly Productive Rangeland Soils or other Important Agricultural **real** Soils **of comparable suitability for agricultural production** at the proposed project site, or
 - (2) A conservation easement located within San Luis Obispo County at a 3:1 ratio on Highly Productive Rangeland Soils or other Important Agricultural **real** Soils **of comparable suitability for agricultural production** on a parcel other than the proposed project site.
- c. **To determine the suitability of proposed easement sites for purposes of addressing the conversion of agricultural uses or Highly Productive Rangeland, the Agriculture Department shall evaluate criteria related to the intensity and suitability of the site for agriculture, including but not limited to soil capability, available water supply, existing on-site land uses, parcel size, and land use designation.**
- d. If a proposed SEF demonstrates dual-use design measures that ensure the long-term productivity of agricultural uses on site, or protects **agricultural uses or** Highly Productive Rangeland Soils through other means, the SEF is allowable without a conservation easement through a Minor Use Permit **in consultation with the Agriculture Department**. Techniques to allow for continuation of agriculture uses (dual-use) or protection of Highly Productive Rangeland Soils may vary based on underlying parcel and site characteristics, but can be achieved through multiple design features. Examples include, but are not limited to:
 - (1) The installation of SEFs on poles with no disturbance to soils or crops,
 - (2) Elimination of concrete bases, or
 - (3) Mounting panels off the ground using other technologies while continuing agricultural uses or protecting soils underneath.

Page 41, Section 22.32.020: minor revisions for consistency with proposed definitions for Article 8:

22.32.020 – Applicability

The land use permit requirements of this Chapter apply to the new construction of energy-generating ~~facilities and uses~~.

Page 41-42, Section 22.32.020.A.2: edits to 1) criteria for accessory renewable energy-generating facilities to allow rooftop SEFs as accessory, 2) increase the maximum size for accessory renewable energy-generating facilities,

2. Accessory renewable energy-generating facilities.
 - a. An accessory renewable energy-generating facility (see definition in Chapter 22.80) that ~~is ground-mounted and~~ provides energy for on-site uses ~~shall be subject to the permit requirements of this chapter only when does not require a land use permit unless~~ the facility meets one or more of the criteria listed in Subsection b. ~~If proposed Applications for accessory renewable energy-generating facilities do not meet the criteria in Subsection b and shall demonstrate compliance with all applicable standards for the proposed energy generating facility provided in this Chapter and any other applicable provisions of this Title, the project shall require Zoning Clearance.~~
 - b. An accessory renewable energy-generating facility shall require a land use permit as established by ~~Section 22.32.030 of~~ this Chapter if the facility meets one or more of the following criteria:
 - (1) Provides energy for sale to off-site uses.
 - (2) Is within an area designated Open Space (OS) or Recreation (REC).
 - (3) Is within ~~an Airport Review, a~~ Flood Hazard, or Sensitive Resource Area Combining Designation.
 - (4) Is a ground-mounted facility that is greater than ~~3 acres~~ ~~21,780 square feet~~ in area).
 - (5) Is located within 100 feet of any adjacent property or public road.
 - (6) Is proposed on a parcel with no existing or apparent use or development on the property.
 - ~~(7) Is sited on Class I or II soils.~~
 - (7) Is subject to environmentally related permits.

B. Other area standards. Where a parcel is subject to standards for combining designations in Chapter 22.14, or the standards in Article 9 (Planning Area Standards) or Article 10 (Community Planning Standards), the standards of those sections shall prevail over the requirements of this Chapter (22.32, Energy-Generating Facilities), except for accessory energy-generating facilities within the Airport Review (AR) Area consistent with the criteria in Subsection 22.32.020.A.2.

Page 42, Section 22.32.030: edits to correct proposed revisions to existing text.

SECTION 19: Section ~~22.32.030~~ Section 22.32.020 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended to read as follows:

~~22.32.020 22.32.030 – Development Standards~~ Permit and Application Requirements

Page 44, Section 22.32.030.3.a: minor edits to include a section reference

3. Renewable energy facilities.
 - a. Permit requirements for SEFs within the Renewable Energy (RE) Combining Designation seeking Site Plan Review are established in Section 22.14.100 (Renewable Energy Area).

Page 44, Allowable Land Uses and Permit Requirements Table: 1) minor grammatical edits, and 2) corrections to table notes for consistency with proposed revisions:

ALLOWABLE LAND USES AND PERMIT REQUIREMENTS FOR RENEWABLE ENERGY FACILITIES BY LAND USE CATEGORY

<u>Land Use</u> ^(21, 2)	<u>Permit Requirements By L.U.C. ⁽³⁾</u>						<u>Notes/Site-Specific Standards</u>
	<u>AG</u> ⁽⁴⁾	<u>RL</u>	<u>RR</u>	<u>RS</u>	<u>RSF</u>	<u>RMF</u>	
<u>Bioenergy Facilities</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>				Refer to 22.32.030 <u>22.32.040</u> .
<u>Solar Electric Facilities (SEF)</u> ⁽⁵⁾							
<u>Tier 1 SEF: up to 20 acres</u> ⁽⁶⁾	<u>A2</u> ⁽⁶⁾	<u>A2</u>	<u>A2</u>	<u>A2</u>	<u>A2</u>	<u>A2</u>	<u>Allowable only where minimum site criteria are met. Refer to 22.32.030 <u>22.32.040</u> and <u>22.32.050</u>.</u>
<u>Tier 2 SEF: up to 40 acres</u> ⁽⁷⁾	<u>A2</u> ⁽⁷⁾	<u>A2</u>	<u>A2</u>				<u>Permit requirements vary by area. Refer to 22.32.030 <u>22.32.040</u> and <u>22.32.050</u>. ⁽⁸⁾</u>

ATTACHMENT 7 – Proposed Revisions to Draft RESP

Land Use ^(21, 2)	Permit Requirements By L.U.C. ⁽³⁾						Notes/Site-Specific Standards
	AG ⁽⁴⁾	RL	RR	RS	RSF	RMF	
<u>Tier 3 SEF: up to 160 acres</u>	<u>A2</u>	<u>A2</u>	<u>A2</u>				Permit requirements vary by area. Refer to <u>22.32.030</u> , <u>22.32.040</u> and <u>22.32.050.</u> ⁽⁸⁾
<u>Tier 4 SEF: greater than 160 acres</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>				Refer to <u>22.32.030</u> , <u>22.32.040</u> and <u>22.32.050.</u>
Solar Thermal Facilities <u>Solar thermal facilities – all technologies</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>				Refer to <u>22.32.030</u> , <u>22.32.040</u> and <u>22.32.050.</u>
Wind Energy Conversion Systems (WECS)							
<u>Tier 1 WECS: roof- or structure-mounted</u>	<u>P</u>	<u>P</u>	<u>P</u>				Refer to <u>22.32.030</u> , <u>22.32.040</u> and <u>22.32.060.</u>
<u>Tier 2 WECS: ground-mounted up to 100 feet tall and no more than rated capacity of 2 MW for all turbines</u>	<u>MUP</u>	<u>MUP</u>	<u>MUP</u>				Refer to <u>22.32.030</u> , <u>22.32.040</u> and <u>22.32.060.</u>
<u>Tier 3 WECS: greater than 100 feet tall or with a rated capacity of 2 MW or more for all turbines</u>	<u>CUP</u>	<u>CUP</u>					Refer to <u>22.32.030</u> , <u>22.32.040</u> and <u>22.32.060.</u>

Notes

(1) See Article 8 and this Chapter for definitions of the listed land uses.

(2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.

(3) L.U.C. means “land use category.” See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.

(4) Land uses on property under Land Conservation Act contracts must adhere to the County’s Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Act itself and any changes that may be made to it.

(5) The size of the SEF shall be measured as the total area of the facility, inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use.

ATTACHMENT 7 – Proposed Revisions to Draft RESP

(6) For Tier 1 SEF projects proposed on land under Land Conservation Act contract up to 20 acres in size, the permit requirements of this Chapter shall apply. Tier 1 SEFs shall comply with the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Act itself and any changes that may be made to it.

(7) For **Tier 2 – Tier 4** projects proposed on land under Land Conservation Act:

1. Proposed projects up to 20 acres in size may be reviewed by Department of Planning and Building staff for consistency with the Rules of Procedure and the Principles of Compatibility unless a discretionary use permit is required by Title 22, in which case the REF project shall be presented to the Agricultural Preserve Review Committee for a recommendation to the Review Authority. The Agricultural Preserve Review Committee shall base their review on the criteria in the Rules of Procedure and the Principles of Compatibility.

2. Proposed projects greater than 20 acres shall require a Minor Use Permit shall be required and the project shall comply with the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Act itself and any changes that may be made to it. For purposes of determining permit requirements for WECS proposed on land under Land Conservation Act contract, the area shall be measured as the total area of site disturbance.

(8) For projects proposed in the Renewable Energy Combining Designation, if the project is consistent with criteria of the RE Combining Designation, alternative permit requirements may apply. Refer to Section 22.14.100 (Renewable Energy Area).

(9) Solar heating and hot water systems are separately defined in Article 8, and are generally allowable as accessory energy-generating facilities, consistent with the criteria of this Chapter.

Page 46, Table 2-2: 1) minor grammatical edits, and 2) clarifications due to inapplicability of Land Conservation Act footnotes to the following land use categories:

ALLOWABLE LAND USES AND PERMIT REQUIREMENTS FOR RENEWABLE ENERGY FACILITIES BY LAND USE CATEGORY

Land Use ^(1, 2)	Permit Requirements By L.U.C. ⁽³⁾							Notes/Site-Specific Standards
	OP	CR	CS	IND	OS	REC	PF	
Bioenergy Facilities			CUP	CUP			CUP	Refer to 22.32.030 22.32.040.
Solar Electric Facilities (SEF) ⁽⁴⁾								
Tier 1 SEF: up to 20 acres ⁽⁵⁾	A2	A2	A2	A2	A2	A2	A2	Allowable only where minimum site criteria are met. Refer to 22.32.030 22.32.040 and 22.32.050.
Tier 2 SEF: up to 40 acres ⁽⁶⁾		A2	A2	A2			A2	Permit requirements vary by area. Refer to 22.32.030 22.32.040

ATTACHMENT 7 – Proposed Revisions to Draft RESP

Land Use ^(1, 2)	Permit Requirements By L.U.C. ⁽³⁾							Notes/Site-Specific Standards
	OP	CR	CS	IND	OS	REC	PF	
								and 22.32.050. ⁽⁵⁾
Tier 3 SEF: up to 160 acres ⁽⁶⁾			A2	A2			A2	Permit requirements vary by area. Refer to 22.32.030 22.32.040 and 22.32.050. ⁽³⁾
Tier 4 SEF: greater than 160 acres ⁽⁶⁾			CUP	CUP			CUP	Refer to 22.32.030 22.32.040.
Solar Thermal Facilities Solar thermal facilities – all technologies ⁽⁶⁾			CUP	CUP				Refer to 22.32.030 22.32.040 and 22.32.050
Wind Energy Conversion Systems (WECS)								
Tier 1 WECS: roof- or structure-mounted ⁽⁶⁾			P	P	P		P	Refer to 22.32.030 22.32.040 and 22.32.060.
Tier 2 WECS: ground-mounted up to 100 feet tall and no more than rated capacity of 2 MW for all turbines ⁽⁶⁾			MUP	MUP			MUP	Refer to 22.32.030 22.32.040 and 22.32.060.
Tier 3 WECS: greater than 100 feet tall or with a rated capacity of 2 MW or more for all turbines ⁽⁶⁾			CUP	CUP				Refer to 22.32.030 22.32.040 and 22.32.060.

Notes

(1) See Article 8 and this Chapter for definitions of the listed land uses.

(2) See Article 9 for any restrictions or special permit requirements for a listed use in a specific community or area.

(3) L.U.C. means “land use category.” See Section 22.04.020, Table 2-1, for a key to the land use category abbreviations.

(4) The size of the SEF shall be measured as the total area of the facility, inclusive of components and subsystems that, in combination, convert or store solar energy into electric energy suitable for use.

(5) For Tier 1 SEF projects proposed on land under Land Conservation Act contract up to 20 acres in size, the permit requirements of this Chapter shall apply. Tier 1 SEFs shall comply with the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Act itself and any changes that may be made to it.

~~(6) For projects proposed on land under Land Conservation Act contract greater than 20 acres, a Minor Use Permit shall be required and the project shall comply with the County's Rules of Procedure to Implement The California Land Conservation Act of 1965 (Table 2), individual Contracts, the provisions of the Land Conservation Act itself and any changes that may be made to it. For purposes of determining permit requirements for WECS proposed on land under Land Conservation Act contract, the area shall be measured as the total area of site disturbance or grading.~~

~~(57) For projects proposed in the Renewable Energy Combining Designation, if the project is consistent with criteria of the RE Combining Designation, alternative permit requirements may apply. Refer to Section 22.14.100 (Renewable Energy Area).~~

~~(6) Solar heating and hot water systems are separately defined in Article 8, and are generally allowable as accessory energy-generating facilities, consistent with the criteria of this Chapter.~~

Page 48, Section 22.32.030.B: 1) minor revisions for clarity in cross-references, 2) clarifications in formatting for proposed additions to existing text:

B. Application contents. In addition to any specific requirements later in this Section, land use permit applications shall comply with the requirements of Chapter 22.62 (Permit Applications) and shall also describe:

1. The physical and operating characteristics of the facility; the proposed design capacity of the facility; the operating schedule; how the electric energy shall be used for on-site purposes or for off-site distribution; and if any electric energy shall leave the site, the physical and contractual arrangement for tying-in, or connecting, to other facilities.;
2. For discretionary projects, alternatives ~~Alternatives~~ to the proposed facility and to distinct or separable aspects of the proposal. This will include reliability, as well as economic and environmental advantages and disadvantages.;
3. Plans for any overhead or underground transmission lines, transformers, inverters, switchyards, or any required new or upgraded off-site transmission facilities.;

4. For energy-generating facilities that require a Site Plan Review, an application form and other information prepared as specified in Section 22.60.040 ~~B~~, 22.60.040.D, and 22.62.040 for Site Plan Review. As noted in Section 22.60.040E, the Director may waive some or all application content requirements at the written request of the applicant if it is demonstrated that the absence of the documentation will not reduce the ability of the Director to evaluate the compliance of the proposed project with the standards of this Title.

5. For energy-generating facilities eligible for Zoning Clearance as determined by Section 22.32.030 of this Chapter, an application form and information required by Section 22.60.040 ~~B~~ and 22.62.030 of this Title.

6. 4. For Tier 4 SEFs and discretionary non-renewable energy-generating facilities, 4. The number and characterization by trades of the estimated construction and

operation force. If construction is estimated to take over six months, the construction workforce will be estimated for each six-month period and will include estimates of numbers of locally hired employees and employees who will move into the area, and a discussion of the estimated impact that employees moving into the area will have on housing, schools, and traffic.

7. Proposed energy-generating facilities that require a discretionary permit that are located in the Camp Roberts Study Area (see Figure) shall be referred by the County to Camp Roberts for review and comment.

CAMP ROBERTS STUDY AREA

[PLACEHOLDER]

Page 49, Section 22.32.030: minor revisions and reorganization for clarity

22.32.030 22.32.040 – Development Standards and General Requirements

The following development standards are applicable to all types of energy-generating facilities allowable by this Title, as identified below. Note that general standards are not exclusive. Projects may be subject to multiple types of standards from Subsections A – C.

A. General standards applicable to all energy-generating facilities.

1. Decommissioning and restoration. A decommissioning and restoration plan shall be submitted that includes the removal of all facility elements and reclamation of the site. Plans shall address: removal of all facility elements and reclamation of the site including but not limited to evaluation of adjacent grasses and vegetation, soil preparation, seed/crop planting, and watering and fertilization (if necessary). Removal and restoration shall also address all facility elements, including but not limited to solar modules, trackers, tracking, posts, power station electrical equipment, underground conduits and cables, concrete pads, fences, security lighting, and access road gravels.
2. ~~A. Bonding. Following permit approval and prior to any work on the proposed site, the applicant shall post a surety bond in favor of the County, conditioned on conformance with all applicable conditions, restrictions, and requirements of this Title and any conditions required by the permit. Such guarantee is in addition to any bond required by the state. The total value of this bond will be established through the Conditional Use Permit review and approval process, and will be administered in compliance with Section 22.64.040.~~ Bonding for decommissioning energy-generating facilities. Prior to acceptance of a discretionary permit application for an energy-generating facility, the applicant shall submit a cost estimate of the decommissioning work for review by the County or qualified third-party consultant approved by the County. A bond shall be posted in the amount identified in the cost estimate prior to issuance of any construction permits.

ATTACHMENT 7 – Proposed Revisions to Draft RESP

~~B. Environmental quality assurance. An Environmental Quality Assurance Program covering all aspects of construction and operation shall be submitted prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all requirements of the Conditional Use Permit. Specific requirements of this Environmental Quality Assurance Program will be determined during the environmental review process and Conditional Use Permit review and approval process.~~

2.3. ~~C.~~ Clearing and revegetation. The land area exposed and the vegetation removed during construction shall be the minimum necessary to install and operate the facility. Topsoil must be stripped and stored separately. Disturbed areas no longer required for operation will be regraded, covered with topsoil, and replanted during the next appropriate season.

3.4. ~~D.~~ Utility interconnect. All distribution lines, electrical substations, and other interconnection facilities shall be constructed to the specifications of the utility. A statement from the utility confirming that the proposed interconnection is acceptable shall be filed with the County building inspector prior to the issuance of any building permit. Interconnection shall conform to procedures and standards established by the California Public Utilities Commission.

~~E. Other requirements. Development standards in addition to those specified in this Section and in this Chapter may be imposed through conditions of approval where Minor Use Permit or Conditional Use Permit approval is required.~~

4.5. ~~Undergrounding of electrical equipment. All electric distribution lines of low to medium voltage less than 60 kV shall be located underground up to the low-voltage side of the step-up transformer, to the point of on-site use, or to the utility-interface point of an on-site substation.~~

5.6. ~~Safety signage. The project shall include electrical safety signage on all arrays in the immediate vicinity of all wiring and all electrical conduits to reduce the risk of electrical shock and fire. All signage shall use weather-resistant and fade-proof materials to provide reasonable notice to protect employees and visitors.~~

6.7. ~~Easements. Any application for a renewable energy facility or distribution lines requiring easements across parcels other than those under the control of the project applicant, or involving multiple parcels, shall provide evidence of necessary easements prior to the issuance of a building permit. The applicant shall also provide evidence of adequate noticing for all impacted landowners and regulatory agencies~~

B. Bonding. The permit application for any energy-generating facility except for Tier 1 SEF, Tier 1 WECS, and accessory energy-generating facilities shall include a cost estimate of the decommissioning work with the decommissioning and restoration plan required by

Subsection 22.32.040.A, for review by the County or qualified third-party consultant approved by the County. A bond shall be posted in the amount identified in the cost estimate prior to issuance of any construction permits.

C. Standards applicable to energy-generating facilities requiring a discretionary permit.

1. Environmental quality assurance. Projects that require a discretionary permit per this Chapter Section shall submit an Environmental Quality Assurance Program covering all aspects of construction and operation prior to construction of any project component. This program will include a schedule and plan for monitoring and demonstrating compliance with all requirements of the land use permit. Specific requirements of this Environmental Quality Assurance Program will be determined during the environmental review process and land use permit review and approval process.

2. Bonding for decommissioning. Energy-generating facilities requiring a discretionary permit per this Section shall submit a decommissioning report for review and approval with a cost estimate of the decommissioning work for review by the County or qualified third-party consultant approved by the County. A bond shall be posted in the amount identified in the cost estimate prior to issuance of any construction permits.

~~3. Standards applicable to energy-generating facilities requiring a discretionary permit that are ground-mounted (including renewable and non-renewable energy-generating facilities):~~

~~a. Decommissioning and restoration. Proposed energy-generating facilities that are ground-mounted shall submit a decommissioning and restoration plan for the facility that includes the removal of all facility elements and reclamation of the site. Plans shall address: removal of all facility elements, including but not limited to solar modules, trackers, tracking, posts, power station electrical equipment, underground conduits and cables, concrete pads, fences, security lighting, and access road gravels and reclamation of the site including but not limited to evaluation of adjacent grasses and vegetation, soil preparation, seed/crop planting, and watering and fertilization (if necessary).~~

~~3.4. Standards applicable to renewable energy facilities requiring a discretionary permit.~~

~~a. Recycling and disposal plan for renewable energy facilities. Projects subject to a discretionary permit per this Section shall submit a recycling and disposal plan for renewable energy infrastructure, including photovoltaic panels, in order that project structures not pose a risk to human health or the environment. The recycling and disposal plan should include panels that~~

ATTACHMENT 7 – Proposed Revisions to Draft RESP

are broken during all project phases, including transport, installation, operation, and after project decommissioning. The plan shall specify how these project components will be disposed of in a manner that will not pose a risk to human health or the environment, and the costs of such disposal.

D. Standards applicable to all **ground-mounted** energy-generating facilities ~~that are ground-mounted~~.

1. Requirements of this section do not preclude authorities and requirements of other local, state, and federal agencies, including but not limited to the San Luis Obispo County Air Pollution Control District, California Department of Fish and Wildlife, California Department of Transportation, United States Fish and Wildlife Service, and the United States Army Corps of Engineers.

2. Proposed ground-mounted energy-generating facilities otherwise eligible for a Site Plan Review shall be subject to a Minor Use Permit, unless this Chapter (22.32, Energy-Generating Facilities) otherwise requires a Conditional Use Permit, if Botanical Reports or Biological Reports prepared as part of the permit application indicate the presence or potential presence of state or federally listed wildlife or plant species or designated critical habitat. **Exceptions to this requirement may apply to ground-mounted energy-generating facilities if unless** the proposed project is located in the San Joaquin Kit Fox Habitat Area and meets the following criteria.

~~a. Is ground-mounted;~~

a. The project site of the proposed energy-generating facility is ~~is~~ 20 acres or less, measured as total project site inclusive of total site disturbance. For all other purposes of determining consistency with standards of this Chapter (22.32, Energy-Generating Facilities), the area of the facility shall be calculated as otherwise directed by Subsection 22.32.030;

b. Botanical Reports or Biological Reports do not indicate the presence of additional state or federally listed wildlife or plant species or designated critical habitat on or adjacent to the project site; and

c. **The project complies** ~~Complies~~ with the standard mitigation ratio and all applicable San Joaquin Kit Fox Habitat Area conditions for grading and building plans set forth by the Director.

3. Abandonment of ground-mounted facilities. When any ground-mounted energy-generating facility ceases to produce energy on a continuous basis for 12 months, it shall be considered abandoned and a public nuisance unless the owner or operator demonstrates by substantial evidence satisfactory to the Director of Planning and Building Department that there is no intent to abandon the facility. Owners or operators are required to remove all equipment and facilities and to restore the site to the original condition upon abandonment. Facilities deemed by the County to be

ATTACHMENT 7 – Proposed Revisions to Draft RESP

unsafe and facilities erected in violation of this Section shall also be considered abandoned.

- a. The Code Enforcement Officer or any other employee of the Planning and Building Department shall have the right to request documentation and/or affidavits from the system owner/operator regarding the system's usage and to make a determination as to the date of abandonment or the date on which other violation(s) occurred.
 - b. Upon a determination of abandonment or other violation(s), the Director of Planning and Building shall send a notice thereof to the owner or operator, indicating that the responsible party shall remove the energy-generating facility and all associated facilities, and remediate the site to its approximate original condition within 90 days of notice by the Director of Planning and Building, unless the County determines that the facilities must be removed in a shorter period to protect public safety. Alternatively, if the violation(s) can be addressed by means other than removing the energy-generating facility and restoration of the site, the Director may advise the owner or operator of such alternative means of resolving the violation(s).
 - c. In the event the responsible parties have failed to comply, the County's Director of Planning and Building or his or her designee may remove the energy-generating facility and restore the site and may thereafter (a) draw funds from any bond, security, or financial assurance that may have been provided, or (b) initiate judicial proceedings or take other steps authorized by law against the responsible parties to recover only those costs associated with the removal of structures deemed a public hazard.
4. Standards applicable to ground-mounted renewable energy facilities (including projects requiring a ministerial or discretionary permit).
 - a. Ground-mounted renewable energy facilities shall avoid siting on exposed bedrock, rock outcrops, or significant ridgetops.
 - b. Ground-mounted renewable energy facilities shall provide an Integrated Pest Management Plan to identify measures for weed control. Measures may include, but are not limited to, native ground cover, livestock grazing to control grasses, manual harvest, or vegetative management.
- E. Other requirements. Where this Section does not specify development standards for a proposed energy-generating use, the County will establish standards through the required land use permit.

Page 54, Section 22.32.050, minor addition for a new section header:

22.32.050 – Solar Electric Facilities

- A. Permit requirements. Permit requirements by land use category for SEFs are summarized in Section 22.32.030 of this Chapter. Where requirements vary based on the technology and site criteria, requirements shall be as described in Subsections 1–3.

Page 54, Section 22.32.050.3.b: minor corrections to section references:

1. Applicable permit requirements for SEFs based on site criteria.
 - a. Tier 1 SEF, Roof- or Structure-Mounted. If a proposed SEF located on the roof or structure of a use that is conforming per Chapter 22.72 of this Title, the project shall require Zoning Clearance.
 - b. Tier 1 SEF, Ground-Mounted. If a proposed SEF is 20 acres or less, is not located on Class I or Class II soils, and is located to meet one or more of the site eligibility criteria presented in (a1)–(e2) below, the project is considered a Tier 1 SEF and shall require Site Plan Review. Projects seeking Tier 1 site eligibility must meet the following criteria:
 - (1) Is located on land that is graded, disturbed, or altered; consistent with definitions for “Development,” “Grading,” or “Site Disturbance” in this Title, or
 - (2) Is located on land that was previously developed for industrial or commercial purposes and degraded or contaminated and then abandoned or underused.

Proposed SEFs that are 20 acres or less but do not meet the Tier 1 site eligibility criteria may be considered a Tier 2 SEF eligible for a Minor Use Permit when consistent with the standards of Subsection c below.

- c. Tier 2 SEF. If a proposed SEF is 40 acres or less, is not located on Class I or Class II soils, and is located to meet the site eligibility criteria in (1)–(3) below, the project is considered a Tier 2 SEF and shall require a Minor Use Permit. Proposed projects that are 40 acres or less and located in the Renewable Energy (RE) Combining Designation may be eligible for Site Plan Review when consistent with the site criteria in Section 22.14.100 (Renewable Energy Combining Designation). Projects located outside of the RE Combining Designation seeking Tier 2 site eligibility must meet the following criteria

ATTACHMENT 7 – Proposed Revisions to Draft RESP

- (1) Is not located on Class I or Class II soils, and
- (2) Is ground-mounted, and
- (3) Located in urban areas, or located in rural areas on sites designated as Commercial Service (CS) or Industrial (IND).

Proposed SEFs that are 40 acres or less but do not meet the Tier 2 site eligibility criteria may be considered a Tier 3 SEF allowable with a Conditional Use Permit when consistent with the standards of Subsection ~~e-d~~.

- d. Tier 3 SEF. If a proposed SEF is 160 acres or less, is not located on Class ~~I~~ or Class II soils, and does not meet the criteria for Tier 1 or Tier 2 SEFs described above in Subsections a - ~~c and b~~ and is located outside of a Renewable Energy (RE) Combining Designation, the project is considered a Tier 3 SEF and shall require a Conditional Use Permit where allowable in ~~Section 22.32.030 table below~~. Proposed projects that are 160 acres or less and located in the RE Combining Designation may be eligible for Site Plan Review when consistent with the site criteria in Section 22.14.100 (Renewable Energy Combining Designation).

Page 59, Section 22.32.050.D.7: minor revisions for clarity:

7. SEFs requiring a discretionary permit shall be sited for screening from residences, Sensitive Resources Areas for visual resources, and areas subject to Highway Corridor Design Standards. Screening measures shall use existing site characteristics to the greatest extent feasible, including existing vegetation and natural topography. Where a project cannot be sited to provide adequate screening, the project shall provide additional screening such as landscaping, or wildlife-friendly fencing ~~shall be provided~~.
8. SEFs shall not be sited on designated Class I or Class II soils. Where proposed on parcels with Class I and Class II soils, the SEF shall be sited on other areas of the parcel.
9. SEFs requiring a discretionary permit proposed in the Agriculture (AG) land use category on land in an active agricultural use or ~~on~~ Important Agricultural Soils, as defined in the Conservation and Open Space Element, shall meet the following:

Page 59, Section 22.32.050.D.9: minor additions for Agriculture Department coordination:

9. SEFs requiring a discretionary permit proposed in the Agriculture (AG) land use category on land in an active agricultural use or ~~on~~ Important Agricultural Soils, as defined in the Conservation and Open Space Element, shall meet the following:

ATTACHMENT 7 – Proposed Revisions to Draft RESP

- a. For projects proposed on land in an active agricultural use, the project shall provide a conservation easement as follows **in consultation with the Agriculture Department**, which shall be on land that supports grazing or uses similar to those within the project site that would be lost due to the proposed project:
 - (1) A conservation easement located within San Luis Obispo County at a 1:1 ratio on land that can support agricultural uses at the same intensity as the affected agricultural uses at the proposed project site, or
 - (2) A conservation easement located within San Luis Obispo County at a 3:1 ratio on land that can support agricultural uses at **the same a lower** intensity **as than** the affected agricultural uses **on a parcel other than at** the proposed project site.
- b. For projects proposed on parcels with Important Agriculture~~al~~ Soils, the project should be sited to minimize impacts to Important Agricultural Soils to the maximum extent feasible, **in consultation with the Agriculture Department**. Where that is not feasible, projects proposed on Important Agriculture~~al~~ Soils shall provide the following:
 - (1) A conservation easement located within San Luis Obispo County at a 1:1 ratio on Important Agricultural~~al~~ Soils **of comparable suitability for agricultural production** at the proposed project site, or
 - (2) A conservation easement located within San Luis Obispo County at a 3:1 ratio on Highly Productive Rangeland Soils or other Important Agricultural~~al~~ Soils **of comparable suitability for agricultural production** on a parcel other than the proposed project site.
- c. **To determine the suitability of proposed easement sites for purposes of addressing the conversion of agricultural uses or Highly Productive Rangeland, the Agriculture Department shall evaluate criteria related to the intensity and suitability of the site for agriculture, including but not limited to soil capability, available water supply, existing on-site land uses, parcel size, and land use designation.**
- d. If a proposed project demonstrates dual-use design measures that ensure the long-term productivity of agricultural uses on site, or protects Important Agricultural Soils through other means, the project is allowable without a conservation easement through a Conditional Use Permit **in consultation with the Agriculture Department**. Techniques to allow for continuation of

ATTACHMENT 7 – Proposed Revisions to Draft RESP

agriculture uses (dual-use) or protection of Highly Productive Rangeland Soils may vary based on underlying parcel and site characteristics, but can be achieved through multiple design features. Examples include, but are not limited to:

- (3) The installation of SEFs on poles with no disturbance to soils or crops;
- (4) Elimination of concrete bases, or
- (5) Mounting panels off the ground using other technologies while continuing agricultural uses or protecting soils underneath.

Page 60, Section 22.32.060: minor revisions to Section references and corrections for consistency:

SECTION 22: Section 22.32.060 of the Land Use Ordinance, Title 22 of the San Luis Obispo County Code, is hereby amended by replacing the existing content in its entirety with new content to read as follows:

Determination of permit requirements for wind energy conversion systems (WECS). Permit requirements for WECS are identified in ~~Table X of~~ Section 22.32.030 of this Chapter by land use category. Where allowable, WECS requirements vary based on technology and system type as described in Subsections 1 – 3.

1. Tier 1 WECS. A wind energy conversion system that is mounted on a roof or structure of a conforming use per 22.72 of this Title is considered a Tier 1 WECS and shall require a Zoning Clearance where allowable.
2. Tier 2 WECS. A wind energy conversion system is considered a Tier 2 WECS and shall require ~~a Minor Use Permit Site Plan Review~~ where allowable if it meets all of the following criteria:
 - a. Is ground-mounted.
 - b. Is no greater than 100 feet tall, as measured from the natural grade below the wind turbine to the uppermost extension of any blades.
 - c. Has a cumulative rated capacity of 2 MW or less for all turbines proposed on the site.
3. Tier 3 WECS. A wind energy conversion system that is ground-mounted and does not meet the criteria for Tier 2 WECS is considered a Tier 3 solar WECS and shall require a Conditional Use Permit where allowable.

Page 62, Section 22.32.060.C- D: minor revisions to standards:

HEIGHT LIMITS FOR WIND ENERGY CONVERSION SYSTEMS⁽¹⁾

<u>Land Use</u>	<u>Land Use Category</u>	
	<u>Agriculture, Rural Lands, and Public Facilities (AG, RL, PF)</u>	<u>All Other Land Use Categories</u>
<u>Tier 1 WECS</u>	<u>10 feet</u>	<u>5 feet</u>
<u>Tier 2 WECS</u>	<u>100 feet</u>	<u>100 feet</u>
<u>Tier 3 WECS</u>	<u>600 feet</u>	<u>500 feet</u>

Notes:

(1) All WECS in the Vertical Obstruction Camp Roberts Influence Areas shall not exceed 75 feet in height, as described in Subsection 22.32.060.D of this Chapter.

D. Other Special Standards for Wind Energy Conversion Systems

1. All ground-mounted WECS shall be sited to maintain natural grades and shall use existing roads for access to the extent possible. Any grading or road construction that is required shall be the minimum necessary to locate the system and establish sufficient access. The land use permit application shall demonstrate that an alternative site on the parcel is less suitable for other reasons.
2. Tier 1 roof- or structure-mounted WECS shall be designed to be removed at a later date for the roof to be returned to its original pre-project condition.
3. **Ground-mounted** WECS ~~requiring a discretionary permit~~ shall not be sited on designated Class I or Class II soils. Where proposed on parcels with Class I and Class II soils, the WECS shall be sited on other areas of the parcel.
4. A WECS shall not generate noise levels exceeding any standards of the Noise Element of the San Luis Obispo County General Plan. The system shall be designed and constructed in compliance with the California Building Code and the National Electric Code. The safety of the design and construction shall be certified by a California-licensed mechanical, structural, or civil engineer.
5. For a WECS with multiple turbines, each turbine shall be separated from all others by a distance at least equal to that of the diameter of the rotors.
6. Tier 3 WECS shall be located to minimize visual impacts to residences, Sensitive Resource Areas for visual resources, and areas subject to Highway Corridor Design Standards.

7. Ground-mounted WECS within the Vertical Obstruction Camp Roberts Influence Areas (see Figure) shall not exceed 75 feet in height.

VERTICAL OBSTRUCTION CAMP ROBERTS INFLUENCE AREAS MAP

[PLACEHOLDER]

8. The design of all WECS shall be as follows:
- a. All materials and surfaces that are nonreflective and of an unobtrusive color.
 - b. The WECS and individual components shall carry all appropriate warning signs.
 - c. Guy wires shall be avoided to the extent possible. If they are necessary, all guy wires shall be marked with bird deterrent devices as recommended by the US Fish and Wildlife Service or the California Department of Fish and Wildlife.
 - d. No exterior lighting shall be allowed except for lighting required by the Federal Aviation Administration, which shall be at the lowest allowable intensity.
 - e. All turbines shall be equipped with manual and automatic overspeed controls capable of limiting the blade rotation speeds to within the design limits of the system.
 - f. Ground-mounted WECS shall be designed to prevent climbing within the first 12 feet. Any climbing apparatus shall be located at least 12 feet above the finished grade.
 - g. No portion of a blade of a ground-mounted WECS shall extend within 20 feet of the finished grade.
 - h. The lowermost extension of any rotor of a Tier 2 or Tier 3 WECS shall be 30 feet above the highest existing occupied structure or tree within a 250-foot radius. A modification to this standard may be approved by the Review Authority if the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.

Page 63, Section 22.80.030.A: edits to definition for accessory REFs:

Accessory Renewable Energy-Generating Facilities. Ground-mounted Energy-generating facilities accessory to any principal use and customarily a part thereof engaged in the production of energy from sources that regenerate, as defined under “Renewable Energy Facilities.” Accessory renewable energy-generating facilities are incidental to the principal use and consistent with the definition for “Use, Accessory” in this Title. The energy produced by accessory renewable energy-generating facilities and generate energy primarily supports for the principal use of the site. Includes roof-mounted energy-generating facilities, which are further defined under “Energy-Generating Facilities,” but does not include roof mounted wind energy conversion systems (WECS).

Page 65, Section 22.80.030.E: minor clarifications to definition for consistency:

Energy Storage. Energy storage technologies store energy and deliver it to the electric grid or an end user at a later time. This includes both small, battery systems and independent, freestanding facilities, such as flow batteries, flywheel devices, compressed air energy storage, or pumped hydro energy storage (PHES) technologies. Accessory energy storage that supports on-site energy production is included separately under the primary on-site energy-generating facility, including “Solar Electric Facilities,” “Wind Energy Conversion Facilities,” or other types of “Energy-Generating Facilities” as defined by this Title.

Page 44, Section 22.98.030.E: minor clarifications

- a) Limitation on use. Land uses are limited to the following within **the** Agriculture land use category in the Nipomo and Santa Maria (Oso Flaco) Valleys, subject to the land use permit requirements of Section 22.06.030:

Ag processing	Mobile homes
Agricultural accessory structures	Nursery specialties (Conditional Use Permit required)
Animal keeping	Outdoor retail sales
Communications facilities	Pipelines and power transmission lines
Crop production and grazing	Residential accessory uses
<u>Energy-generating facilities (limited to accessory renewable energy facilities)</u>	Roadside stands
Farm support quarters	
Home occupations	Single-family dwellings
Mining and concrete batch plants (within the area along the Santa Maria River shown in Figure 98-23 which corresponds to the EX1 or subsequently designated EX combining designation)	Temporary dwellings

